

Application No.: 10/505,249
Amendment and Response dated November 2, 2005
Reply to Office Action of August 11, 2005
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Amendments to the Drawings:

The attached sheets 1/6, 2/6, 3/6, 4/6 and 5/6 of the drawings include changes to Figures 1, 2, 3, 4 and 5, respectively. These sheets, which include Figures 1-5, replace the original sheets including Figures 1-5. In Figures 1-5, a previously omitted element 33 has been added.

Attachment: Replacement Sheets 1/6, 2/6, 3/6, 4/6, 5/6
Annotated Sheets 1/6, 2/6, 3/6, 4/6, 5/6 Showing Changes

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Remarks/Arguments:

Introduction

Claims 1-14 are pending. Claim 1 has been amended to further describe the ball supply pipe and the ball return pipe. Support for these amendments may be found in originally filed claims 2 and 3. Claim 1 has also been amended to describe the outlet pipe as having an enlarged section. Support for this amendment may be found in Figure 1.

Claims 2 and 3 have been amended to be consistent with the amendments of claim 1.

Claims 4 and 5 have been amended for antecedent basis.

No new matter is introduced with these amendments.

The Examiner did indicate that claims 10-13 contain allowable subject matter.

Claim Objections

Claims 4 and 5 are objected to under 35 C.F.R. §1.75(c) as allegedly being in improper form for failure to limit the subject matter of the previous claim.

Claims 4 and 5 have been non-narrowingly amended to properly limit the claimed subject matter. Reconsideration and withdrawal of the objections of claims 4 and 5 under 37 C.F.R. §1.75(c) are respectfully requested.

Section 102 Rejections

Claims 1 and 2 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by DE 1 247 358 (hereinafter “the ‘359 Patent”). Applicant respectfully traverses.

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The '359 Patent requires the use of a circulating pump 13 to circulate its rubber cleaning globules 31 through a heat exchanger or condenser 3. In particular, the '359 Patent describes the pumping operation as follows:

When the rubber globules accumulated in the separator are to be circulated again, the shut-off valve 21 arranged in the pipe 25 is opened, whilst the shut-off valve 28 located in the outflow pipe 24 is closed. The cooling water is then conveyed by the circulating pump 13 into the separator 11, the rubber globules located in the latter being pressed through the non-return valve 16 into the collecting container 12 by the pressure of the [pumped] cooling water . . . When all rubber globules have been pressed out of the separator 11 into the collecting container 12 . . . the operation of distributing and collecting the rubber globules can be pursued. (See, verified English translation of DE 1 247 359, page 5, lines 3-26, which corresponds to column 4, line 49, to column 5, line 4, of the '359 Patent)

The above-mentioned verified English translation of the '359 Patent is enclosed for the convenience of the Examiner.

In direct contrast to the '359 Patent, the cleaning system of the present invention does not utilize a pump for circulating the cleaning balls 20. The lack of a circulating pump is "positively" claimed by the claim amendments to claim 1 where the ball supply pipe and the ball return pipe have been amended to exclude, *inter alia*, a circulating pump.

Thus, the '359 Patent fails to disclose each and every limitation of claim 1.

Therefore, reconsideration and withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. §102(b) are respectfully requested.

Section 103 Rejections

Claims 3-9 and 14 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over the '359 Patent in view of U.S. Patent No. 4,420,038 to Okouchi et al. (hereinafter "Okouchi"). Applicant respectfully traverses.

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Okouchi is cited by the Examiner for certain alleged teachings regarding particular valves and a perforated separator for use in a cleaning system for a heat exchanger.

Okouchi, however, also requires the use of a pump 22 to circulate its cleaning balls 90. (Okouchi, Fig. 1, and column 3, lines 35-40.). Thus, Okouchi fails to cure the deficiencies of the '359 Patent because both of the cited references require the use of a pump for circulating cleaning balls in direct contrast to the present invention.

Removal of the circulating pump from the '359 Patent and/or from Okouchi would destroy the function, intent and purpose of those cleaning systems because their cleaning balls could not be circulated to online clean their heat exchangers.

Thus, the '359 Patent and Okouchi, individually or in combination, fail to teach or suggest the present invention.

Therefore, reconsideration and withdrawal of the rejection of claims 3-9 and 14 are respectfully requested.

Summary

Therefore, Applicants respectfully submit that claims 1-14 are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees

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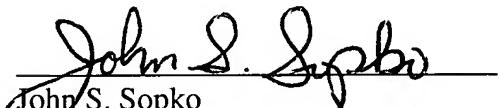
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associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,


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Element 33
added

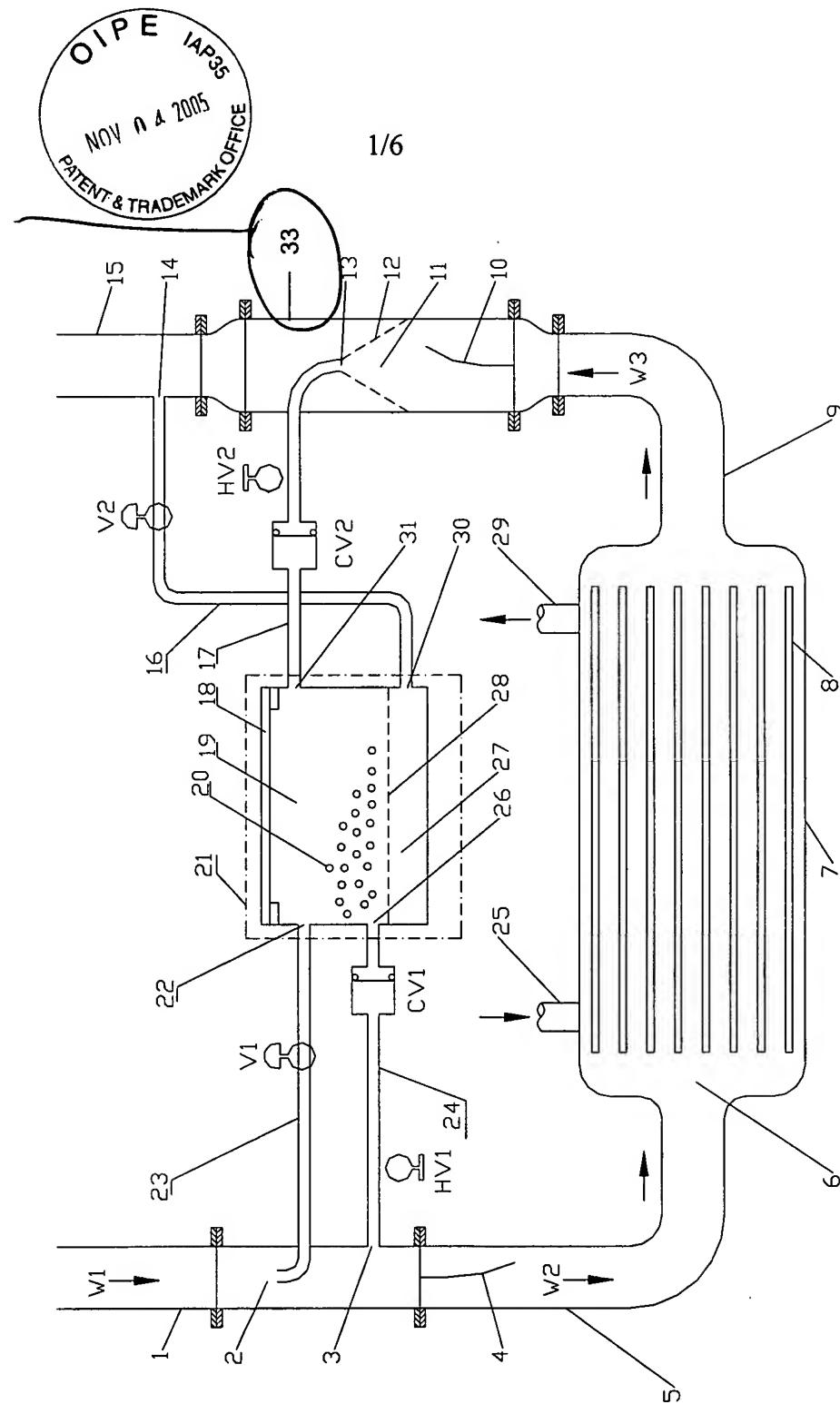


Figure 1



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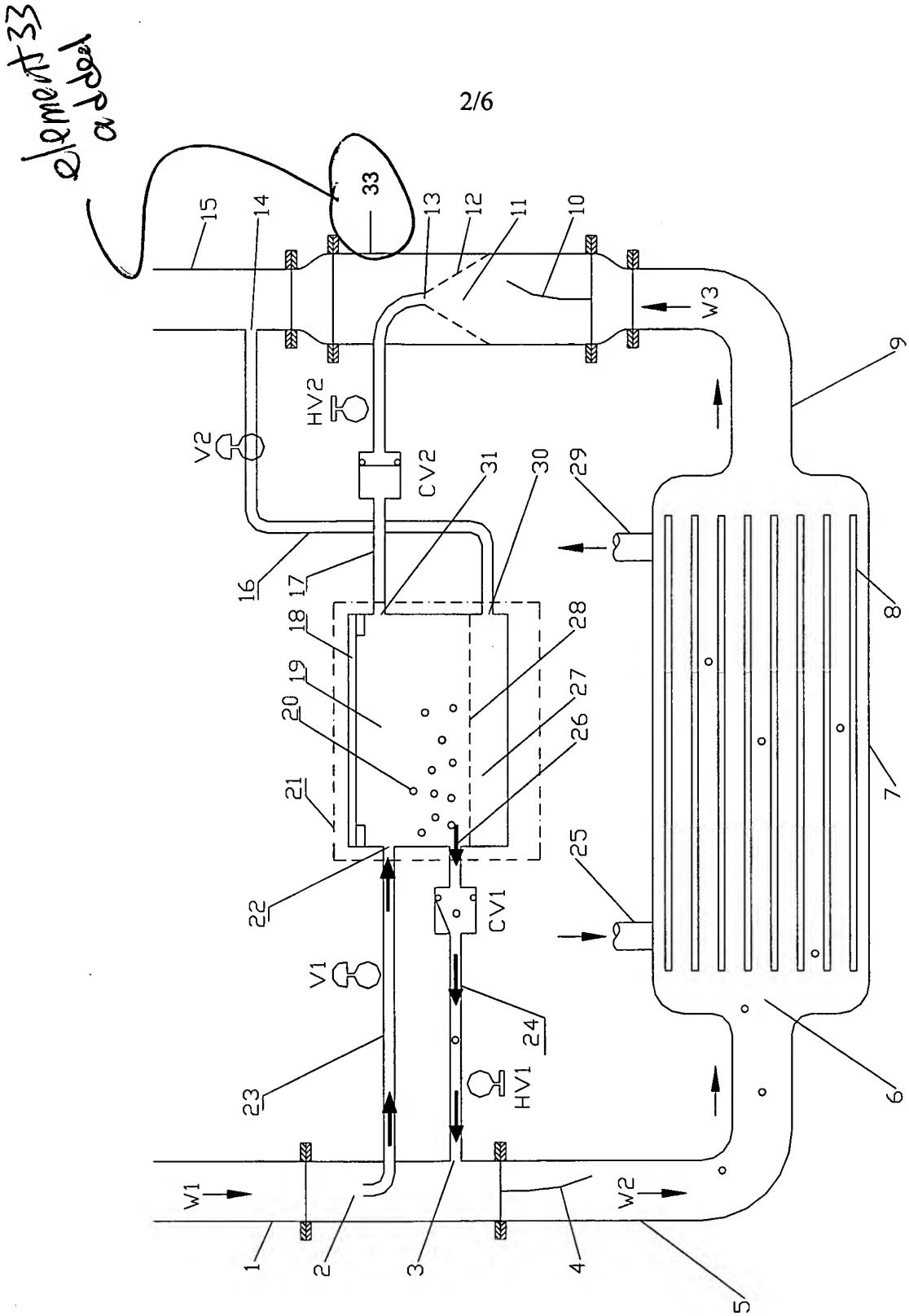


Figure 2

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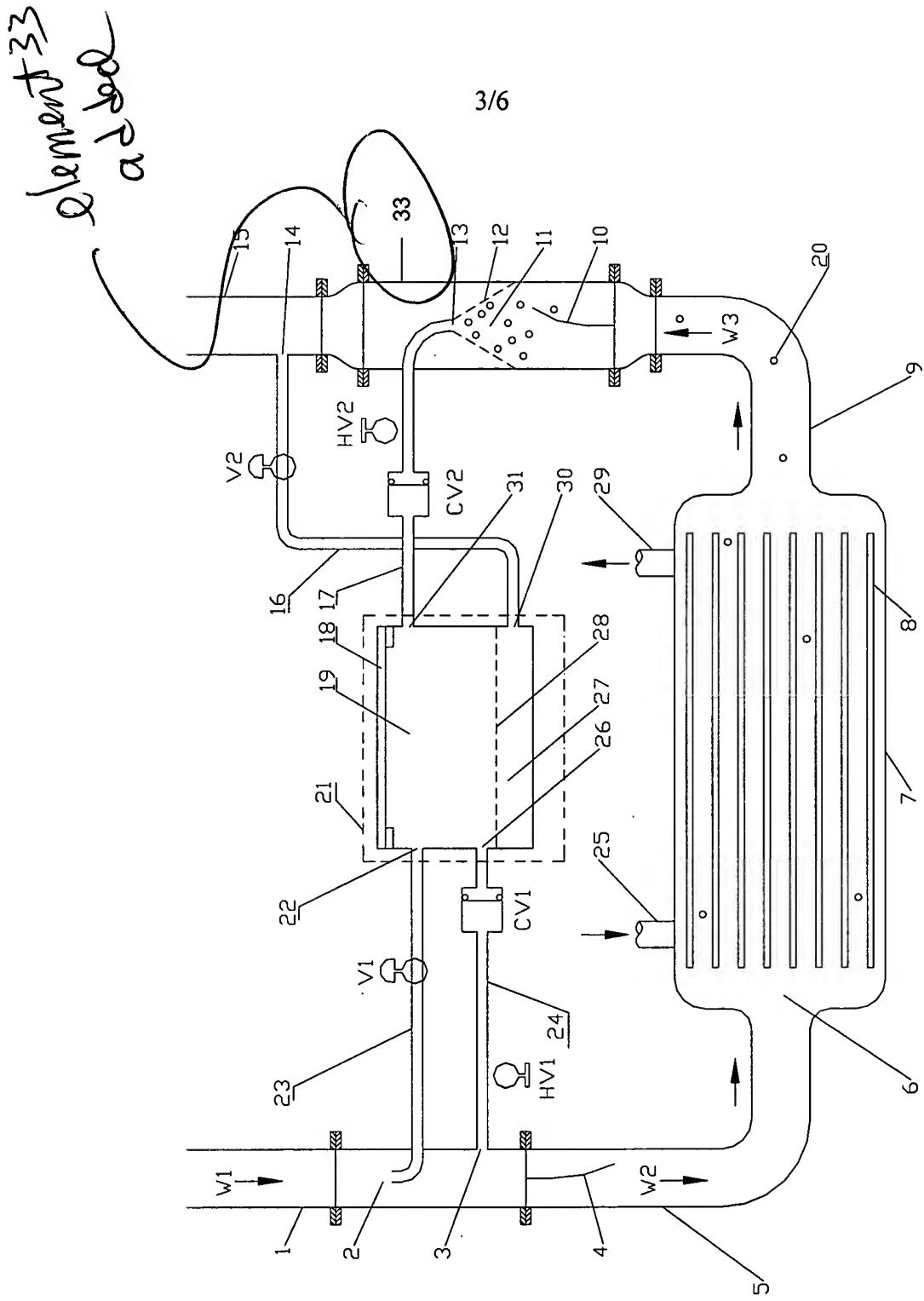


Figure 3

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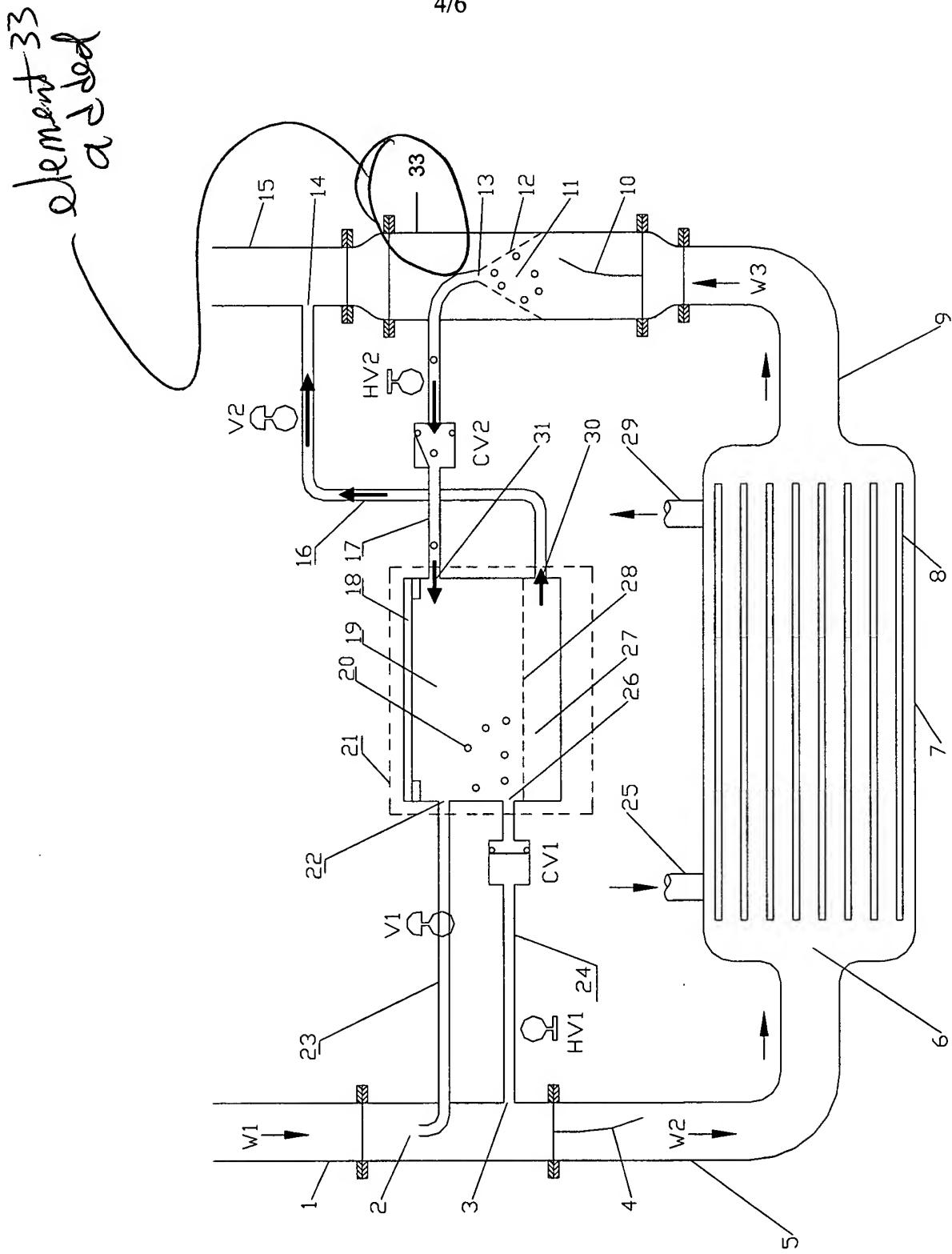


Figure 4

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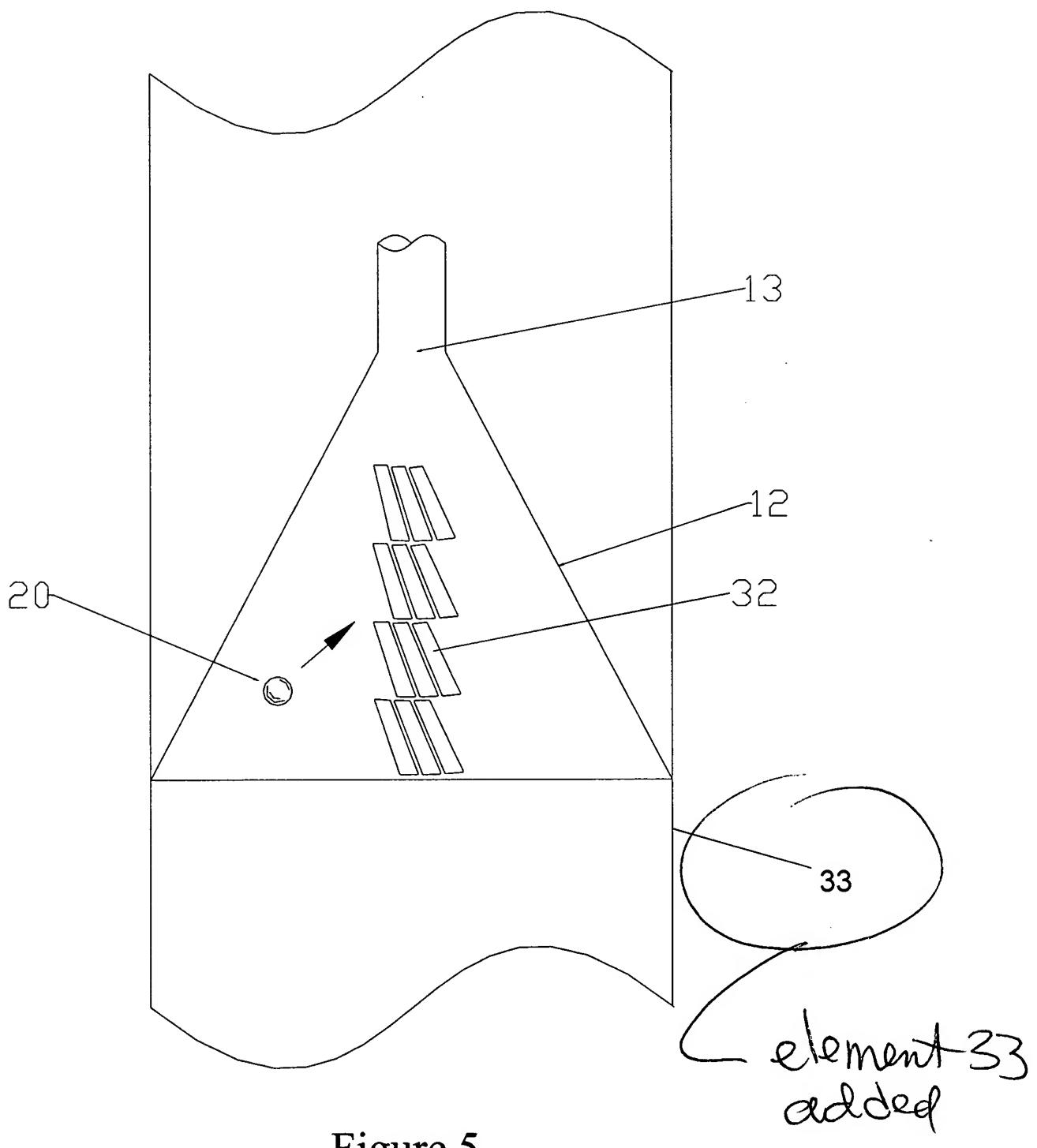


Figure 5